

The Examiner provisionally rejected claims 1-12, 16-23 and 27-32 under the judicially created doctrine of obviousness-type double patenting. Claims 16-23 have been canceled. In addition, the Applicants agree to submit an appropriate terminal disclaimer under 37 CFR § 1.321(c) upon notification that the present application is allowable.

Pending claims 1, 3-15, 27-29 and 31-35 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Israelsson, U.S. Patent No. 5,479,595 in view of Felsenstein, U.S. Patent No. 5,608,723. Independent claim 1 is directed to a communications system for secure wireless communications comprising a first device and a second device communicating in a first communication mode using an infrared signal and a second communication mode using a radiofrequency signal. Prior to transceiving a security message between the two devices, the first device and the second device switch transceiving to the first communication mode (i.e., the infrared mode) to transmit the security message.

The Israelsson reference is generally directed to a mobile telephone system for communication between mobile stations and base stations. Such communications may be effected either by radio waves or with light. Certain mobile stations may be capable of being switched between signal transmission with radio waves and signal transmission with light, which enables these stations to be used in both systems. Israelsson fails to teach or suggest important exemplary features of the invention of claim

1. As noted in the Office Action, Israelsson does not teach first and second devices that transceive a plurality of messages therebetween in a second communication mode, wherein, prior to transceiving a security message therebetween, the first and second devices switch transceiving to a first communication mode, and transmit the security message in the first communication mode. Applicant respectfully submits that Israelsson does not teach or suggest transmitting a security message and switching from a radiofrequency transceiving mode to an infrared transceiving mode.

The Felsenstein reference discloses a method and a system for wireless communications within a predetermined boundary (Col. 2, lines 33-35). A message is encoded using a preselected code and transmitted using a radiofrequency signal (Col. 2, lines 37-39 and Col. 3, lines 6-8). A code signal representative of the preselected code is also transmitted, wherein the code signal is confined within the predetermined boundary (Col. 3, lines 25-29). At a receiving end, the encoded message represented by the radiofrequency signal is decoded based upon the received preselected code (Col. 3, lines 46-65). According to the Official Action, (Fig. 2-3, Col. 3, line 25- Col. 4, line 62) the Felsenstein reference allegedly teaches a first and a second device that transceive a plurality of messages therebetween in a second communication mode, wherein, prior to transceiving a security message therebetween, the first and second devices

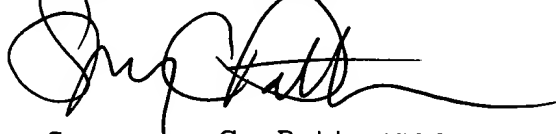
switch transceiving to a first communication mode, and transmit the security message in the first communication mode. However, there is no teaching or suggestion in the Felsenstein reference of the claimed limitation of switching from a radiofrequency transceiving mode to an infrared transceiving mode prior to the transmission of an infrared security message within a communication system. Instead, the Felsenstein reference discloses simultaneous transmission of an encoded message signal and a code signal representative of the preselected code. In addition, the Applicant agrees with the Examiner's comments in the Office Action mailed on October 24, 2000, in which the Examiner admitted that Felsenstein does not teach switching from a radiofrequency transceiving means to an infrared transceiving means. Thus, neither Israelsson nor Felsenstein discloses or suggests this claimed feature of the present invention. Therefore, claim 1 and its dependent claims 3-15 are patentable over the cited references.

Claim 5 is further directed to a communications system wherein the second device switches transceiving to the first communication mode and transmits an infrared request message to the first device. In addition to the distinguishing features discussed in connection to claim 1, dependent claim 5 is allowable because the cited art does not disclose or suggest the transmission of a request message from the second device to the first device using an infrared signal.

Pending claim 27 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Israelsson in view of Felsenstein. This claim is directed to a transceiving device for secure wireless communication in a communications system. The transceiving device comprises a radiofrequency transceiving means and an infrared transceiving means. Prior to the transmission of an infrared security message, the transceiving device switches transceiving from radiofrequency transceiving means to infrared transceiving means. As discussed above, Israelsson does not disclose the claimed limitation of switching from a radiofrequency transceiving means to an infrared transceiving means prior to the transmission of an infrared security message. Furthermore, according to the first Office Action dated October 24, 2000, Felsenstein does not disclose or suggest this claimed limitation. Therefore, claim 27 and its dependent claims 28-29 and 31-35 are patentable over the cited references.

In view of the above amendments and remarks, allowance of this application is believed to be warranted, and a Notice to such effect is earnestly solicited.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'Spencer C. Patterson', with a long horizontal flourish extending to the right.

Spencer C. Patterson
Reg. No. 43,849

JENKENS & GILCHRIST,
A Professional Corporation
1445 Ross Avenue, Suite 3200
Dallas, Texas 75202-2799
(214) 855-4177
(214) 855-4300 (fax)